

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

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ETHAN THOMAS,  
Plaintiff

V.

NEW ENGLAND FAST FERRY OF  
MASSACHUSETTS, LLC,  
NEW ENGLAND FAST FERRY  
COMPANY, LLC, and  
INTERLAKE LEASING IV, INC.,  
Defendants

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) Civil Action

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) No. 05-11443-GAO  
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PLAINTIFF'S MOTION IN LIMINE RE USE OF COCAINE AND MARIJUANA

NOW COMES the Plaintiff, and states as follows:

The Plaintiff testified at his deposition that he has used cocaine and marijuana in the past.

The Plaintiff did not testify that he was under the influence of cocaine or marijuana at the time of the accident in question in this case, and no evidence has been adduced to date that he was.

The Plaintiff thus moves to exclude any evidence regarding his use of cocaine and marijuana as irrelevant and unduly prejudicial under Fed.R.Evid. 403. The Plaintiff's past use of these drugs has nothing to do with any issue of liability or damages that may arise in this trial. The Defendants have no medical opinions that the Plaintiff's use of drugs affected his actions on the day of the accident or his recovery. Accordingly, there is no possible legitimate basis for admission of such evidence.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an Order barring Defendants or their counsel from referencing to, offering any evidence on or questioning any witness about the Plaintiff's use of cocaine or marijuana.

Respectfully submitted for the  
the Plaintiff, by his attorney,

/s/ David J. Berg, Esq.  
David J. Berg, Esq.  
Latti & Anderson LLP  
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Boston, MA 02109  
(617) 523-1000

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg, Esq.  
David J. Berg, Esq.  
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617-523-1000

Dated: June 28, 2007